

REMARKS

Claims 1-41 are pending. By this amendment, claims 1, 30 and 31 are amended, claims 5, 9, 34, and 35 are canceled, and claims 42-45 are pending. Upon entry of this amendment, claims 1-4, 6-8, 10-33 and 36-45 will be pending, of which three claims are independent (claims 1, 30, and 31). No new matter will be incorporated into the present application by entry of this Amendment. If the Office determines that any additional fees are deemed to be necessary with the filing of this Amendment, then the Office is authorized and requested to charge such fees to Deposit Account No. 061910.

In the Office Action mailed August 10, 2006, the Examiner rejected claims 1-41 under §112, first paragraph, as failing to comply with the enablement requirement. The Examiner stated that Applicant fails to specifically teach and disclose how the hanger of the claims is capable of supporting 40 pounds. Independent claims 1, 30, 31 have each been amended to clarify that the support body is made of a synthetic polymer and has a U-shaped cross-section. Applicant has discovered that a hanger having the claimed combination of features, including a support body made of a synthetic polymer and having a U-shaped cross-section, supports a weight of up to about 40 pounds or at least 30 pounds. Applicant is not required to expressly state in the specification why the hanger is capable of supporting up to 40 pounds. It is not a requirement of patentability that the inventor correctly set forth, or even know, how or why the invention works. *In re Hayes, Microcomputer Prods. Inc. Patent Litig.*, 982 F.2d 1527, 25 USPPQ2d 1241 at 1246 (Fed. Cir. 1992). A person of skill in the art who makes a hanger having all the features of the amended claims would obtain a hanger capable of supporting up to 40 pounds. Applicant asserts that the amended claims are enabled.

The Examiner also rejected claims 1-23, 31-17, 40 and 41 under §103(a) as being unpatentable over U.S. Patent No. 5,535,927 to Garrison. The Examiner also rejected claims 24-30, 38 and 39 under §103(a) as being unpatentable over Garrison in view of U.S. Patent No. 6,863,197 to Dirlam. Amended independent claims 1, 30, and 31 are not anticipated by any of the cited references, as the references, alone or in combination, do not disclose all of the features of the claims. In addition, a prima facie case of

obviousness would not be established with respect to the amended claims. To establish a prima facie case of obviousness, three basic criteria must be met. First, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. Second, there must be some suggestion or motivation in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or combine reference teachings. Finally, there must be a reasonable expectation of success.

First, a prima facie case of obviousness with respect to the each of the amended independent claims, and claims depending thereon, would not be established because the cited references, neither alone nor combined, teach or suggest all of the claim limitations. For example, the independent claims each call for exterior surfaces of the sidewalls being separated at a distance of ranging from about 0.1 inches to about 0.5 inches. Garrison and Dirlam fail to disclose this feature. The Examiner states that this distance limitation cannot be a basis for patentability because the applicant must show that the distance is critical. The distance is in fact critical and is further explained below. In addition, claim 1 calls for a support body that can support a weight of up to about 40 pounds. Likewise, claims 30 and 31 call for a support body that can support a weight of at least 30 pounds. Garrison and Dirlam are silent as to the amount of weight their hangers can support. Further, claims 1 and 31 call for a hanger having a weight ranging from about 1 ounce to about 6 ounces. Also, claim 30 calls for a hanger having a weight of about 3 ounces. Garrison and Dirlam are also silent as to the weight of their hangers. Thus, Garrison and Dirlam do not disclose all of the claim limitations.

Applicant has also discovered that a hanger having the claimed combination of features provides unexpected results. For example, the claimed distance separating the exterior surfaces of the sidewalls is advantageous because it provides a hanger that is sufficiently thin and does not take up a lot of space in a closet. At the same time, the claimed weight of the hanger is advantageous because it provides the hanger is lightweight and does not add sufficiently to the weight being carried on the closet rack. In addition, the claimed hanger can support a weight of 40 pounds or at least 30 pounds, even though it is sufficiently thin and lightweight. The claimed hanger is also made of a synthetic polymer. Polymeric hangers are advantageous because they are easy and cheap

to manufacture. However, polymeric hangers, such as plastic hangers, are known to break when they carry too much weight. A person of skill in the art would not expect that making a polymeric hanger with the claimed low weight range and the claimed small distance between exterior surfaces of the sidewalls would actually carry a weight of up to 40 pounds or at least 30 pounds. Rather, a person in the art would expect such a hanger to break upon carrying such weight load. However, Applicant has discovered that the claimed hanger is unexpectedly sturdy and able to carry a larger weight, while also being thin and lightweight. As a result, the claimed hanger provides unexpected results and is not obvious in view of the cited references.

In view of the foregoing, it is submitted that claims of application are in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested. The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



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